

**House Bill 738 Criminal Procedure – Medical Emergency – Immunity**

Judiciary Committee

February 25, 2020

**Position: SUPPORT**

The Mental Health Association of Maryland is the state's only volunteer, nonprofit citizen's organization that brings together consumers, families, professionals, advocates and concerned citizens for unified action in all aspects of mental health and mental illness. We appreciate this opportunity to present testimony in support of House Bill 738.

Current law encourages people who witness an overdose to call 911 by providing immunity from *prosecution* for several minor drug and alcohol offenses. Unfortunately, callers may still be *arrested and charged* with one of those offenses, which greatly limits the effectiveness of the Good Samaritan statute. Fear of arrest remains a key concern for individuals in the community, even when they know the arrest will not lead to prosecution.

HB 738 clarifies Maryland's Good Samaritan overdose protections which extends immunity to "arrest and charge," to encourage individuals to make a life-saving call to 911 when witnessing another who they believe is experiencing a medical emergency after ingesting or using alcohol or drugs. The bill also expands immunity to misdemeanor offenses. This is a common sense approach to stem the tide of overdose deaths in Maryland, which have been increasing every year since 2010.

Co-occurring mental health and substance use disorders are extremely common. One issue that connects these disorders is the act of self-medicating mental health symptoms through the use of alcohol or other drugs. This does little to address the underlying mental health issue and ultimately creates a whole new batch of problems for the individual, while also increasing the severity of underlying mental health symptoms. The behavioral health community is working constantly to address these issues on the front end by improving the prevention and early intervention of mental health and substance use disorders. But when a situation cannot be addressed early, and it rises to the point where someone has overdosed, we must do everything we can to encourage those around them to make a call that just may save a life.

For these reasons, MHAMD supports HB 738, and urges a favorable report.

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